

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

ACXIOM CORP.

PLAINTIFF

vs.

CASE NO. 4:05CV00153GH

E-MARKETING TECHNOLOGY

DEFENDANT

ORDER

Pending before the Court are plaintiff's motion for default judgment, or in the alternative, motion to compel and motion for continuance. For the motion for default judgment, or in the alternative, motion to compel, plaintiff states that defendant has failed to respond timely to the discovery requests.

Plaintiff propounded discovery requests on defendant on August 5, 2005. Defendant objected, stating that the discovery requests were not timely as they had not been propounded 30 days prior to the discovery deadline of August 8, 2005. Plaintiff asks that the Court enter default judgment against defendant for willful failure to respond to discovery requests. In the alternative, plaintiff asks that the Court compel defendant to respond to the discovery requests forthwith, and impose sanctions on defendant.

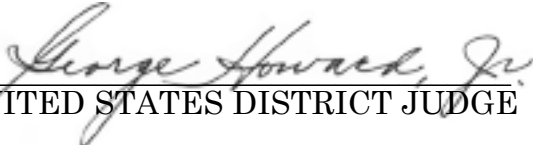
Defendant states that the discovery requests as well as the motion itself are untimely. Defendant is correct that all discovery must be completed prior to the discovery cut-off date of August 8th. Therefore, plaintiff needed to propound the discovery requests at least 30 days prior to the discovery cut-off date. Plaintiff's motion was not filed fifteen days in advance of the discovery cutoff date, as required by the Scheduling Order.

There is basis for the Court to enter a default judgment against defendant. Furthermore, both parties request that the trial of October 3, 2005, be continued. The Court, therefore, will continue the jury trial to May 8, 2006, at 9:30 a.m. The

Final Scheduling Order is amended as follows: The discovery deadline is March 6, 2006. Dispositive motions must be filed by March 20, 2006. Pretrial conference information sheets, witnesses and exhibit lists are due April 3, 2006. Jury instructions will be due April 24, 2006.

Accordingly, the motion for default judgment or in the alternative, motion to compel is denied; the motion to continue the trial is granted.

IT IS SO ORDERED this 27th day of September, 2005.


UNITED STATES DISTRICT JUDGE